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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,725	01/11/2002	Richard Burgess	034702/214150	1582
826	7590	05/19/2006	EXAMINER FRENEL, VANEL	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			ART UNIT 3626	

DATE MAILED: 05/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/044,725	BURGESS, RICHARD	
	<b>Examiner</b>	<b>Art Unit</b>	
	Vanel Frenel	3626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 11 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>372002; 10312003</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

Notice to Applicant

1. This communication is in response to the application filed on 1/11/02. Claims 1-29 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry et al (6,081,786) in view of Mayaud (5,845,255).

(A) As per claim 1, Barry discloses a system for improving treatment of medical patients (See Barry, Col.7, lines 31-33) comprising:

at least one request processing element comprising a patient medical report including medical information, said patient medical report being associated with at least one expert consult request form (See Barry, Col.4, lines 56-67 to Col.5, line 21).

Mayaud does not explicitly disclose that the system having "wherein the at least one expert consult request form is accessible directly from said patient medical report, and wherein said at least one request processing element is capable of populating the at least one expert consult request form with a portion of the medical information from said patient medical report; and

at least one expert processing element capable of receiving the at least one expert consult request form to thereby facilitate a medical consultation at least partially based upon the at least one expert consultation request form.

However, these features are known in the art, as evidenced by Mayaud. In particular, Mayaud suggests that the system having "wherein the at least one expert consult request form is accessible directly from said patient medical report, and wherein said at least one request processing element is capable of populating the at least one expert consult request form with a portion of the medical information from said patient medical report (See Mayaud, Col.18, lines 66-67 to Col.19, line 22; Col.20, lines 32-67); and

at least one expert processing element capable of receiving the at least one expert consult request form to thereby facilitate a medical consultation at least partially based upon the at least one expert consultation request form (See Mayaud, Col.18, lines 66-67 to Col.19, line 22; Col.20, lines 32-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Mayaud within the system of Barry with the motivation of providing a system a patient-condition treatment specification procedure whereby in creating said prescription said prescriber specifies a patient condition for treatment by said prescribed drug (See Mayaud, Col.5, lines 9-12).

(B) As per claim 2, Mayaud discloses a system wherein said patient medical report further includes at least one expert consult pointer that is associated with the at least

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one expert consult request form, and wherein said at least one request processing element is responsive to a selection of the at least one expert consult pointer to thereby display the associated at least one expert consult request form and populate the associated expert consult request form with the portion of the medical information from said patient medical report (See Mayaud, Col.18, lines 66-67 to Col.19, line 22; Col.20, lines 32-67).

The motivation for combining the respective teachings of Barry and Mayaud are as discussed in the rejection of claim 1, and incorporated herein.

(C) As per claim 3, Barry discloses a system wherein the at least one expert consult request form includes at least one medical information field, wherein said at least one request processing element is responsive to a selection of the at least one expert consult pointer to thereby display the associated at least one expert consult request form and automatically populate the at least one medical information field with the portion of the medical information (See Barry, Col.16, lines 28-62).

(D) As per claim 4, Barry discloses a system wherein the at least one expert consult request form includes at least one input field, wherein said at least one expert processing element is capable of receiving patient information into the at least one input field, and wherein the at least one completed expert consult request form is further based upon the patient information received into the at least one expert consultation request form (See Barry, Col.12, lines 58-67 to Col.13, line 21).

(E) As per claim 5, Barry discloses a system wherein said request processing element is capable of transmitting the at least one expert consult request form to said at least one expert processing element (See Barry, Col.4, lines 14-40).

(F) As per claim 6, Barry discloses a system wherein said at least one expert processing element is capable of displaying at least one medical consultation form based upon the at least one expert consult request form, wherein said at least one expert processing element is capable of receiving consultation information into the at least one medical consultation form to complete the at least one medical consultation form, and wherein said at least one expert processing element is capable of transmitting the at least one completed medical consultation form to thereby provide the medical consultation (See Barry, Col.).

(G) As per claim 7, Mayaud discloses a system wherein the at least one medical consultation form includes the portion of the medical information from said patient medical report (See Mayaud, Col.10, lines 20-27).

The motivation for combining the respective teachings of Barry and Mayaud are as discussed in the rejection of claim 1, and incorporated herein.

(H) As per claim 8, Mayaud discloses a system further comprising at least one database capable of storing the medical information, wherein said at least one request

processing element is capable of retrieving the medical information from said at least one database (See Mayaud, Col.10, lines 20-27).

The motivation for combining the respective teachings of Barry and Mayaud are as discussed in the rejection of claim 1, and incorporated herein.

(I) As per claim 9, Barry discloses a system wherein said patient medical report is further associated with at least one pharmaceutical product report including pharmaceutical information for at least one pharmaceutical product, wherein the at least one pharmaceutical product report is accessible directly from said patient medical report (See Barry, Col.4, lines 56-67 to Col.5, line 28).

(J) As per claim 10, Barry discloses a system wherein said patient medical report further includes at least one pharmaceutical pointer that is associated with the at least one pharmaceutical product report, and wherein said at least one request processing element is responsive to a selection of the at least one pharmaceutical pointer to thereby display the at least one pharmaceutical product report including at least a portion of the pharmaceutical information (See Barry, Col.15, lines 24-59).

(K) As per claim 11, Barry discloses a system further comprising at least one database capable of storing the pharmaceutical information, wherein said at least one request processing element is responsive to a selection of the at least one pharmaceutical pointer to thereby retrieve at least a portion of the pharmaceutical

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information from said at least one database and thereafter display the at least one pharmaceutical product report (See Barry, Col.15, lines 24-59).

(L) As per claim 12, Barry discloses a system wherein the at least one pharmaceutical product report includes at least one input field, wherein said at least one request processing element is capable of receiving input information into the at least one input field, and wherein said at least one request processing element is capable of transmitting the input information (See Barry, Col.8, lines 5-44).

(M) As per claim 13, Barry discloses a system wherein the at least one pharmaceutical product report is associated with pharmaceutical information for at least one pharmaceutical product comprising at least one of marketing information and reference information (See Barry, Col.10, lines 33-67).

(N) As per claim 14, Barry discloses a system for improving treatment of medical patients comprising:

at least one request processing element comprising a patient medical report including medical information, said patient medical report being associated with at least one pharmaceutical product report including pharmaceutical information for at least one pharmaceutical product, wherein the at least one pharmaceutical product report is accessible directly from said patient medical report (See Barry, Col.4, lines 56-67 to Col.5, line 21); and



Barry does not explicitly disclose that the system having "at least one database capable of storing the pharmaceutical information, wherein said at least one request processing element is capable of retrieving at least a portion of the pharmaceutical information from said at least one database as the at least one pharmaceutical product report is accessed.

However, this feature is known in the art, as evidenced by Mayaud. In particular, Mayaud suggests that the system having "at least one database capable of storing the pharmaceutical information, wherein said at least one request processing element is capable of retrieving at least a portion of the pharmaceutical information from said at least one database as the at least one pharmaceutical product report is accessed (See Mayaud, Col.18, lines 66-67 to Col.19, line 22; Col.20, lines 32-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Mayaud within the system of Barry with the motivation of providing a system a patient-condition treatment specification procedure whereby in creating said prescription said prescriber specifies a patient condition for treatment by said prescribed drug (See Mayaud, Col.5, lines 9-12).

(O) As per claim 15, Barry discloses a system wherein said patient medical report further includes at least one pharmaceutical pointer that is associated with the at least one pharmaceutical product report, and wherein said at least one request processing element is responsive to a selection of the at least one pharmaceutical pointer to thereby retrieve a respective portion of the pharmaceutical information and display

the respective pharmaceutical product report (See Barry, Col.15, lines 24-59).

(P) As per claim 16, Barry discloses a system wherein said request processing element is capable of receiving information into the at least one pharmaceutical product report, and wherein said at least one request processing element is capable of at least one of storing the information and transmitting the information (See Barry, Col.5, lines 1-29).

(Q) As per claim 17, Barry discloses a system wherein the at least one pharmaceutical product report is associated with pharmaceutical information for at least one pharmaceutical product comprising at least one of marketing information and reference information (See Barry, Col.10, lines 33-67).

(R) As per claim 18, Barry discloses a system wherein said patient medical report is further associated with at least one expert consult request form, wherein the at least one expert consult request form is accessible directly from said patient medical report, and wherein said at least one request processing element is capable of populating the at least one expert consult request form with a portion of the medical information from said patient medical report (See Barry, Col.4, lines 56-67 to Col.5, line 21) said system further comprising:

Mayaud does not explicitly disclose that the system having at least one expert processing element capable of receiving the at least one completed expert consult

request form to thereby facilitate a medical consultation at least partially based upon the at least one expert consultation request form.

However, this feature is known in the art, as evidenced by Mayaud. In particular, Mayaud suggests that the system having at least one expert processing element capable of receiving the at least one completed expert consult request form to thereby facilitate a medical consultation at least partially based upon the at least one expert consultation request form (See Mayaud, Col.18, lines 66-67 to Col.19, line 22; Col.20, lines 32-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Mayaud within the system of Barry with the motivation of providing a system a patient-condition treatment specification procedure whereby in creating said prescription said prescriber specifies a patient condition for treatment by said prescribed drug (See Mayaud, Col.5, lines 9-12).

(S) As per claim 24, Barry discloses a method of improving treatment of medical patients comprising:

displaying a patient medical report including medical information, the patient medical report being associated with at least one expert consult request form (See Barry, Col.8, lines 5-47);

Barry does not explicitly disclose that the method accessing the at least one expert consult request form directly from the patient medical report that is displayed, wherein accessing the at least one expert consult request form includes populating the

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at least one expert consult request form with at least a portion of the medical information from the patient medical report that is displayed;

transmitting the at least one expert consult request form that is accessed and thereafter receiving the at least one expert consult request form; and

generating a medical consultation at least partially based upon the received expert consult request form.

However, these features are known in the art, as evidenced by Mayaud. In particular, Mayaud suggests that the method having accessing the at least one expert consult request form directly from the patient medical report that is displayed, wherein accessing the at least one expert consult request form includes populating the at least one expert consult request form with at least a portion of the medical information from the patient medical report that is displayed (See Mayaud, Col.18, lines 66-67 to Col.19, line 22; Col.20, lines 32-67);

transmitting the at least one expert consult request form that is accessed and thereafter receiving the at least one expert consult request form (See Mayaud, Col.17, lines 60-67 to Col.18, line 24); and

generating a medical consultation at least partially based upon the received expert consult request form (See Mayaud, Col.17, lines 60-67 to Col.18, line 24).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Mayaud within the system of Barry with the motivation of providing a system a patient-condition treatment specification procedure

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whereby in creating said prescription said prescriber specifies a patient condition for treatment by said prescribed drug (See Mayaud, Col.5, lines 9-12).

(T) As per claim 25, Barry discloses a method of improving treatment of medical patients comprising:

displaying a patient medical report including medical information, the patient medical report being associated with at least one pharmaceutical product report that includes pharmaceutical information for at least one pharmaceutical product (See Barry; Col.8, lines 5-47).

Barry does not explicitly disclose that the method having accessing the at least one pharmaceutical product report thereafter retrieving at least a portion of the associated pharmaceutical information; and

displaying the at least one pharmaceutical product report including the retrieved portion of the associated pharmaceutical information.

However, these features are known in the art, as evidenced by Mayaud. In particular, Mayaud suggests that the method having accessing the at least one pharmaceutical product report thereafter retrieving at least a portion of the associated pharmaceutical information (See Mayaud, Col.18, lines 66-67 to Col.19, line 22; Col.20, lines 32-67); and

displaying the at least one pharmaceutical product report including the retrieved portion of the associated pharmaceutical information (See Mayaud, Col.18, lines 66-67 to Col.19, line 22; Col.20, lines 32-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Mayaud within the system of Barry with the motivation of providing a system a patient-condition treatment specification procedure whereby in creating said prescription said prescriber specifies a patient condition for treatment by said prescribed drug (See Mayaud, Col.5, lines 9-12).

(U) As per claim 26, Barry discloses a computer program product for improving treatment of medical patients, the computer program product comprising a computer-readable storage medium having computer-readable program code embodied in said medium, the computer-readable program code comprising:

- a first executable portion for displaying a patient medical report including medical information, the patient medical report being associated with at least one expert consult request form (See Barry, Col.4, lines 56-67 to Col.5, line 21);

- a third executable portion for transmitting the accessed at least one expert consult request form (See Barry; Col.8, lines 5-47).

Barry does not explicitly disclose that the computer having a second executable portion for accessing the at least one expert consult request form directly from the patient medical report that is displayed, wherein accessing the at least one expert consult request form includes populating the at least one expert consult request form with at least a portion of the medical information from the patient medical report that is displayed; and

- a fourth executable portion for receiving the accessed at least one expert

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consult request form and thereafter generating a medical consultation at least partially based upon the accessed at least one expert consult request form.

However, these features are known in the art, as evidenced by Mayaud. In particular, Mayaud suggests that the method having a second executable portion for accessing the at least one expert consult request form directly from the patient medical report that is displayed, wherein accessing the at least one expert consult request form includes populating the at least one expert consult request form with at least a portion of the medical information from the patient medical report that is displayed (See Mayaud, Col.18, lines 66-67 to Col.19, line 22; Col.20, lines 32-67); and

a fourth executable portion for receiving the accessed at least one expert consult request form and thereafter generating a medical consultation at least partially based upon the accessed at least one expert consult request form (See Mayaud, Col.18, lines 66-67 to Col.19, line 22; Col.20, lines 32-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Mayaud within the system of Barry with the motivation of providing a system a patient-condition treatment specification procedure whereby in creating said prescription said prescriber specifies a patient condition for treatment by said prescribed drug (See Mayaud, Col.5, lines 9-12).

(V) As per claim 27, Barry discloses a computer program product for improving treatment of medical patients, the computer program product comprising a computer-

readable storage medium having computer-readable program code embodied in said medium, the computer-readable program code comprising:

a first executable portion for displaying a patient medical report including medical information, the patient medical report being associated with at least one pharmaceutical product report that includes pharmaceutical information for at least one pharmaceutical product (See Barry, Col.4, lines 56-67 to Col.5, line 21).

Barry does not explicitly disclose that the computer having a second executable portion for accessing the at least one pharmaceutical product report thereafter retrieving at least a portion of the associated pharmaceutical information; and

a third executable portion for displaying the at least one pharmaceutical product report including the retrieved portion of the associated pharmaceutical information.

However, these features are known in the art, as evidenced by Mayaud. In particular, Mayaud suggests that the method having a second executable portion for accessing the at least one pharmaceutical product report thereafter retrieving at least a portion of the associated pharmaceutical information (See Mayaud, Col.18, lines 66-67 to Col.19, line 22; Col.20, lines 32-67); and

a third executable portion for displaying the at least one pharmaceutical product report including the retrieved portion of the associated pharmaceutical information (See Mayaud, Col.18, lines 66-67 to Col.19, line 22; Col.20, lines 32-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Mayaud within the system of Barry with the



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motivation of providing a system a patient-condition treatment specification procedure whereby in creating said prescription said prescriber specifies a patient condition for treatment by said prescribed drug (See Mayaud, Col.5, lines 9-12).

(W) As per claim 28, Barry discloses a system for improving treatment of medical patients comprising:

at least one request processing element capable of displaying a patient medical report including medical information and at least one expert consult pointer that is associated with at least one expert consult request form, wherein said at least one request processing element is responsive to a selection of the at least one expert consult pointer to thereby display the associated at least one expert consult request form (See Barry, Col.12, lines 58-67 to Col.13, line 49).

Barry does not explicitly disclose that the system having wherein said at least one request processing element is capable of retrieving at least a portion of the medical information and thereafter populating the at least one expert consult request form with the portion of the medical information, wherein said at least one request processing element is capable of transmitting at least one completed expert consult request form, and wherein the at least one completed expert consult form is based upon the portion of the medical information populated into the at least one expert consultation request form; and

at least one expert processing element capable of receiving the at least one completed expert consult request form to thereby facilitate a medical consultation at

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least partially based upon the at least one completed expert consultation request form.

However, these features are known in the art, as evidenced by Mayaud. In particular, Mayaud suggests that the system having wherein said at least one request processing element is capable of retrieving at least a portion of the medical information and thereafter populating the at least one expert consult request form with the portion of the medical information, wherein said at least one request processing element is capable of transmitting at least one completed expert consult request form, and wherein the at least one completed expert consult form is based upon the portion of the medical information populated into the at least one expert consultation request form (See Mayaud, Col.18, lines 66-67 to Col.19, line 22; Col.20, lines 32-67); and

at least one expert processing element capable of receiving the at least one completed expert consult request form to thereby facilitate a medical consultation at least partially based upon the at least one completed expert consultation request form (See Mayaud, Col.18, lines 66-67 to Col.19, line 22; Col.20, lines 32-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Mayaud within the system of Barry with the motivation of providing a system a patient-condition treatment specification procedure whereby in creating said prescription said prescriber specifies a patient condition for treatment by said prescribed drug (See Mayaud, Col.5, lines 9-12).

(X) As per claim 29, Barry discloses a system for improving treatment of medical patients comprising:

at least one request processing element capable of displaying a patient medical report including medical information and at least one pharmaceutical pointer that identifies and is associated with at least one electronic pharmaceutical product report (See Barry, Col.12, lines 58-67 to Col.13, line 49).

Barry does not explicitly disclose that the system having wherein the at least one electronic pharmaceutical product report is associated with pharmaceutical information for at least one pharmaceutical product, wherein the at least one pharmaceutical product report includes at least one input field, wherein said at least one request processing element is responsive to a selection of at least one pharmaceutical pointer to thereby retrieve at least a portion of the associated pharmaceutical information and thereafter display the at least one pharmaceutical product report with the portion of the pharmaceutical product information, and wherein said at least one request processing element is capable of receiving information input into the at least one input field of the pharmaceutical product report; and

at least one database capable of storing the pharmaceutical information, wherein said at least one request processing element is responsive to a selection of the at least one pharmaceutical pointer to thereby retrieve at least a portion of the associated pharmaceutical information from said at least one database and thereafter display the at least one pharmaceutical product report.

However, these features are known in the art, as evidenced by Mayaud. In particular, Mayaud suggests that the method having wherein the at least one electronic pharmaceutical product report is associated with pharmaceutical information for at least

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one pharmaceutical product, wherein the at least one pharmaceutical product report includes at least one input field, wherein said at least one request processing element is responsive to a selection of at least one pharmaceutical pointer to thereby retrieve at least a portion of the associated pharmaceutical information and thereafter display the at least one pharmaceutical product report with the portion of the pharmaceutical product information, and wherein said at least one request processing element is capable of receiving information input into the at least one input field of the pharmaceutical product report (See Mayaud, Col.18, lines 66-67 to Col.19, line 22; Col.20, lines 32-67); and

at least one database capable of storing the pharmaceutical information, wherein said at least one request processing element is responsive to a selection of the at least one pharmaceutical pointer to thereby retrieve at least a portion of the associated pharmaceutical information from said at least one database and thereafter display the at least one pharmaceutical product report (See Mayaud, Col.18, lines 66-67 to Col.19, line 22; Col.20, lines 32-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the features of Mayaud within the system of Barry with the motivation of providing a system a patient-condition treatment specification procedure whereby in creating said prescription said prescriber specifies a patient condition for treatment by said prescribed drug (See Mayaud, Col.5, lines 9-12).

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(Y) Claims 19-23 recite the underlying process steps of the elements of claims 2, 5-8, and respectively. As the various elements of claims 2, 5-8 have been shown to be either disclosed by or obvious in view of the collective teachings of Barry and Mayaud, it is readily apparent that the apparatus disclosed by the applied prior art performs the recited underlying functions. As such, the limitations recited in claims 19-23 are rejected for the same reasons given above for the system claims 2, 5-8, and incorporated herein.

### ***Conclusion***

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches method and apparatus for the management of data files (6,263,330), system and method for providing continuous expert network critical care services from a remote locations (6,804,656) and system, method, and apparatus for storing, retrieving, and integrating clinical, diagnostic, genomic, and therapeutic data (2003/0046114).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vanel Frenel whose telephone number is 571-272-6769. The examiner can normally be reached on 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Thomas can be reached on 571-272-6776. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

V.F  
V.F

May 8, 2006

  
C. LUKE GILLIGAN  
PATENT EXAMINER